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EXAMINER				
FREAY, CHARLES GRANT				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,419

Applicant(s)

HANSEN ET AL.

Examiner

Charles G. Freay

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 16, 2008 has been entered.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: FLUID SUPPLY UNIT HAVING AN INTEGRAL PRESSURE GENERATOR AND PRESSURE BOOSTER.

Claim Objections

Claims 1-14 are objected to because of the following informalities: Claim 1 should read "A fluid supply unit..." and claims 2-14 should read "the fluid supply unit of claim..." for better readability. Appropriate correction is required.

Also in claim 5 line 1 "Claim2" should be "Claim 2".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are vague and indefinite because in independent claim 1 line 1 and 2 a "fluid supply unit, comprising a hydraulic supply unit" is claimed. This is confusing in view of the current title of the invention and in view of the first paragraph of the specification which make it clear that the fluid supply unit is preferably a hydraulic supply unit and thus these two units are the same thing. The examiner suggest deleting the reference to a hydraulic supply unit and adding a dependant claim setting forth that limitation.

Claim 1 recites the limitation "the pump" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "tank pressure", which suggest a tank in line 9. There is insufficient antecedent basis for this limitation in the claim.

The claims are also vague and indefinite because in claim 1 lines 7 through 9 the phrase "by switching...acts on the low pressure piston" is a statement of desired result and it is unclear if the switching valve and the tank are being positively claimed or not.

Claims 2-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

Art Unit: 3746

applicant regards as the invention. The claims each begin "Unit...". Because claim 1 in lines 1 and 2 sets forth a fluid supply unit and a hydraulic unit it is unclear which unit is being referred to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-8, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iverson (USPN 6,295,914) in view of the Brochure/article "HOCHDRUCK- und SONDERHYDRAULIK" (hereinafter Hochdruck, supplied by the applicant in the Information Disclosure Statement of August 29, 2005).

Iverson discloses a pressure booster system comprising a high pressure piston (4) and a low pressure piston (3) mounted in a low pressure chamber (6). There is a switching valve (14) connected to a pressure source (described as pump line P). By switching the valve either a fluid from the pressure source or tank pressure acts on the low pressure piston. There is a pressure outlet (9, 10, 11) and the pressure booster is located in the housing between the pressure source or generator (P) and the pressure outlet. The line (P) represents a pump outlet. From Fig. 1 it is clear that only a portion (15) of the fluid from the pressure source is used to drive the pressure booster. Iverson does not disclose the pressure booster and the pressure generator being rigidly mechanically coupled, the housing being formed of multiple parts and two of the parts forming a joining surface between the pressure generator and the pressure booster, or there being a pressure relief valve between the pressure generator and the low-pressure connection. Hochdruck discloses in the figure on the second page a schematic drawing showing a pressure generator in the form of a pump connected to a pressure booster. There is a control valve arrangement and a pressure relief valve between the pressure generator and the pressure booster. Furthermore, the article sets forth that the pump is driven by a three phase (electric) motor and that there is a tank. The picture on

the front of Hochdruck shows and integrally connected arrangement having the motor rest of the unit elements rigidly connected by various housing parts.

At the time of the invention it would have been obvious to one of ordinary skill in the art to substitute an electric motor driven pump as the pressure source into the Iverson reference. It also would have been obvious to incorporate the bypass valve and the tank in order to provide safety feature and to make the unit into a self contained and portable hydraulic power unit.

With regards to claim 4 the particular elements connected in the Picture of Hochdruck are not specified. However, from the schematic drawing it is clear what elements are required and their required arrangement. Therefore it would have been obvious to obtain each specific item, such as the pressure generator, the pressure booster and the electric motor, and then rigidly attach them together as shown in the drawing. By such means known and available units can easily be obtained and then connected in order to provide desired operational results (note the box titled "Order" on page 2). This would result in the joining surfaces forming an interface as set forth in claim 4.

Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iverson in view of Hochdruck.

As set forth above Iverson in view of Hochdruck discloses the invention substantially as claimed but does not set forth that the pump is a gear pump or that the motor and the pump have a common shaft. The examiner gives official notice that gear

Art Unit: 3746

pumps are well known fluid motor type drive pump and further that pumps having a common shaft with an electric motor are well known. At the time of the invention it would have been obvious to one of ordinary skill in the art to utilize a gear pump in view of its simple construction and because its a positive displacement pump and therefore the amount of driven fluid is easily determined and controlled. Furthermore the pump and the motor having a common shaft would have been obvious in order to reduce the number of parts and to create a compact assembly.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iverson in view of Hochdruck.

As set forth above Iverson in view of Hochdruck discloses the invention substantially as claimed but does not disclose a battery housed in the housing. the examiner gives official notice that batteries are well known power sources for electric motors. At the time of the invention it would have been obvious to provide such a battery and to house it in the housing in order to improve the portability obtained by the Hochdruck design and to protect the battery.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iverson in view of Hochdruck as applied to claim1 above, and further in view of Miyazaki (USPN 4,393,749).

As set forth above Iverson in view of Hochdruck discloses the invention substantially as claimed but does not disclose that the booster is made of a light

material. Miyazaki teaches of a booster piston made of aluminum. At the time of the invention it would have been obvious to one of ordinary skill in the art to make the Iverson or Hochdruck booster piston of aluminum as taught by Miyazaki to reduce the weight of the device.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection and the incorporation of Hochdruck into the rejections in particular.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bessiere discloses a pressure booster.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles G Freay/
Primary Examiner, Art Unit 3746

CGF
July 17, 2008